UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA FORT LAUDERDALE DIVISION

CASE NO:

02-60652

ELGIN O. JONES,

Plaintiff,

CIV-GRAHAM

VS.

CITY OF FORT LAUDERDALE, a municipality.

Defendant.

IN THE PURCE

COMPLAINT AND DEMAND FOR JURY TRIAL

The Plaintiff, Elgin O. Jones ("Jones"), sues the Defendant, the City of Fort Lauderdale ("City"), and states as follows:

NATURE OF ACTION

1. This is an action for damages in excess of \$75,000.00 arising from unlawful employment practices. This action is brought pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1983.

JURISDICTION AND VENUE

- 2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331 and 1343. The Plaintiff's allegations are based upon federal law.
- 3. Venue is proper in the Ft. Lauderdale Division of the Southern District of Florida pursuant to 28 U.S.C. §1391(b) because the claims arose here.

THE PARTIES

- 4. The plaintiff, Jones, is a resident of Broward County, Florida and is an employee of the Defendant, the City. He is a member of the protected class based upon his race, African American and color, black.
- 5. The City of Fort Lauderdale ("City") is a Florida municipal corporation located in Broward County, Florida and employs more than 300 persons.

FACTUAL BACKGROUND

- 6. In 1989, Jones was hired as a Municipal Maintenance Worker II.
- 7. In 1990, he applied for the position of Municipal Maintenance Worker IV. Three positions were available and Mr. Jones was the only black among two white males to get the positions after ranking number one in the promotional process. After one day on the job in this new position, Jones was demoted without explanation.
- 8. He filed an internal complaint, and he was told that the demotion was due to budget cuts and the position had been frozen. He was also told that his name would remain on the list for at least a year and he would then be re-promoted should an opening become available. Thereafter, within four (4) months, a white male, Frank Colette, was promoted to the same position.
- 9. Jones was forced to take a lower paying job as a Municipal Maintenance Worker III after his removal from the Municipal Maintenance Worker IV position. The duties of a Municipal Worker III are different from a level IV position and in 1991 Jones sustained an injury while carrying out his duties. His left knee was permanently injured.
- 10. In 1992, Jones applied for an employment upgrade via the City's Personnel Form 13, to the position of Municipal Maintenance Worker IV, Construction Worker or Irrigation Repairman.

Although Jones was qualified, his request was denied. Similarly situated white employees were granted their PD-13 request.

- 11. In 1992, Jones submitted several cost-saving recommendations to managers via the City's Employee Suggestion Program. This program granted employees 10% of any cost savings due to the implemented suggestion over a one (1) year period.
- 12. Jones suggested that the City mulch yard waste in order to reduce the number of loads being hauled to the City's trash transfer station. His supervisor advised him that his suggestion would not work and that management had declined to implement it.
- 13. The City subsequently implemented the program and saved nearly \$300,000 over that one year period. Jones complained and it was later determined that it was indeed his suggestion.
- 14. The City then claimed that the program incentive amount was capped to \$1,500, and Jones was awarded \$1,500 instead of the 10% incentive originally promised to City employees, which would have been \$30,000.
- 15. Jones complained that white employees had not been subjected to the cap, at which time the City stopped the program altogether.
- 16. In 1992, Jones was working on a Saturday irrigating new plants, when he took a break and entered the Fiveash Water Plant to use the restroom. On the way to the restroom, he was asked by a white employee whether he worked for the City. Jones replied that he was a City employee.
- 17. As he departed the restroom, Jones was physically attacked by two (2) white supervisors and a white employee.
- 18. One of the employees defended his action because "he thought Jones was a Haitian using a City bathroom" and did not belong in the public building.

- 19. The City initiated discipline action against all four employees, including Jones, even though he was not at fault. Jones was subject to discipline because he struggled with the three men when they attacked him.
- 20. The City initiated proceedings to suspend two of the white employees involved in the attack, but decided not to implement the discipline for fear that the employees might sue the City.
- 21. Black employees, such as Katrenia McCutchen, who have allegedly raised their voice to a white employee have been subject to suspensions and written reprimands. The City did not fear that these black employees would sue them.
- 22. In 1994, the City denied Jones the opportunity to apply or compete for the position of Engineering Inspector. The reason he was given for the denial was that he lacked the requisite qualifications. Jones was more qualified than white employees who were allowed to compete.
- 23. As a result of the injury to his knee, Jones was not able to continue in the duties of a Municipal Maintenance Worker III. He was forced to take a demotion and cut in pay and benefits to the position of Utilities Service Worker II.
- 24. In 1996, after inquiring of the Personnel Department about rumored openings for the position of Engineering Inspector, Jones and another Black employee, Harold Wise, were told there were no openings. The next day, managers walked around the office and verbally asked several white employees "if they wanted a promotion" to these positions. These white employees were then promoted. Thus, Jones and Wise were denied an opportunity to compete.
- 25. Again in 1996, Jones was denied an upgrade, via the city's Pay Study, to the position of Utilities Service Worker IV. The information submitted about Jones during this study clearly justified an upgrade to this position. Jones' supervisor, Jerry Hill, agreed. Hill provided the City

with a written recommendation and explanation justifying Jones' upgrade. The City denied Jones' upgrade.

- 26. In 1997, Jones was denied the opportunity to compete for a promotion to the position of Environmental Inspector. His application was originally rejected supposedly due to lack of qualifications. Jones filed a complaint and demonstrated that he met the qualifications. The application was then accepted. He was not allowed to participate in the actual examination process because his application was eliminated in a biased "Training and Evaluation" process, where the applications are read by managers and assigned a score.
- 27. In November 1997, Jones was informed by Inspections Supervisor John Malek that there were openings for the position of Engineering Inspector. Jones applied for the position and again his application was rejected due to lack of qualifications. Upon filing a complaint and showing that he did meet the requisite qualifications, he and another black employee, Harold Wise, were then allowed to take the exams.
- 28. Both Jones and Wise were told to bring calculators to the exam because it would consist of mathematical questions. On the day of the exam, prior to its commencement, Jones and Wise were told the content of the exam had changed to an essay/question and answer process. They sat for the examination.
- 29. Jones and Wise were then contacted a few days later and were told that they had to take an "oral" examination. During the oral examination, Ted Voda, a member of the panel, continually interfered with Jones' responses. Jones was directed to give certain answers, and was repeatedly told to "hurry up." Jones was also told to "look over here" as he tried to review the blueprints, which were being shaken and constantly moved by Mr. Voda.

- 30. The City knew that Ted Voda had a bias against Jones, but nevertheless allowed him to participate in the selection process.
- 31. John Malek should have been involved in the selection process, but he was purposely kept out in the field supervising a large road construction project in the Florida heat, because he was on "light duty."
- 32. Ted Voda, who was uninjured, was allowed to act in John Malek's position during this time period, and worked in the air conditioned building at a desk.
- 33. The rankings of the Engineering Inspector examination were released in January of 1998. Jones was ranked number 8 (eight).
- 34. A few days later, Engineering Inspector, David Rose, congratulated Jones on his promotion. Jones informed him that he had not been promoted and that he was ranked eighth. Rose stated that he graded the written exams and that Jones scored the highest on the written exam.
- 35. Rose informed Jones that the examination "graders" were instructed to remove and uncover the names of all of the applicants so they could see which applicant got what score. The City was aware that the examination was not graded blindly in violation of City policy.
- 36. When alleged irregularities were pointed out by a white employee relating to a heavy equipment operator position where a black employee ranked number one, the City promptly threw out the test results.
- 37. In March 1998, Jones complained to the Union president, Cathy Dunn, about the Engineering Inspector's exam.

- 38. She later said she had reviewed the exams and concluded that Jones had failed the examination. Cathy Dunn told Jones he could be fired for falsely claiming that he had passed the exam.
- 39. Jones then contacted the Union vice-president, Charles Ruffin, who told Jones he was told the same thing by the Union president, but he had not actually seen the exams himself.
- 40. Jones then contacted the Personnel Department and filed a request to review his examination. His request was denied.
- 41. In March 1998, Jones received a notice from the Personnel Department, which stated that his interview was not successful for the position of Code Compliance Officer. They informed him that another candidate had been selected.
 - 42. Jones was never interviewed by anyone for that position.
- 43. The candidate selected, Burton Fletcher, a white male, was a part-time temporary employee, with less seniority than Jones.
- 44. The City has a policy of providing preference to full-time employees. This preference policy was not applied to Jones.
- 45. In the Spring of 1998, Jones requested that the City's Office of Managing Diversity investigate the Engineering Inspector promotion and resolve the issue as to whether he failed the exam or passed the exam.
- 46. On or about May 14, 1998, Yolanda Cowart and Wanda Del Toro, from the City's Office of Management Diversity called a meeting with Jones. Ms. Cowart and Ms. Del Toro informed Jones that their investigation confirmed that he had the highest score on the written examination, and that there appeared to be irregularities in the examination process.

- 47. In late May of 1998 Union president, Cathy Dunn, attended a meeting with Jones, Yolanda Cowart and Wanda Del Toro. Ms. Dunn threatened Ms. Cowart and Ms. Del Toro with her position as Union president and insisted that they had to "turn over the investigation to the union and Employee Relations."
- 48. Jones objected to the circumventing of the City's policies regarding the handling of internal complaints, and objected to the Union's interference.
- 49. Ms. Dunn told Ms. Cowart and Ms. Del Toro to stop their discrimination investigations because it was making the City "look bad."
- 50. Under pressure and threats, Ms. Cowart informed Jones she would have to "administratively close" the investigation and told Jones he would have to participate in the grievance process.
- 51. Yolanda Cowart and Wanda Del Toro advised Jones that senior management would not let them finalize their investigation, nor were they allowed to put their findings in writing.
- 52. Yolanda Cowart and Wanda Del Toro advised him that Union President, Cathy Dunn and Scott Milinski, wanted to take the investigation away from the Management Diversity Office, and were looking at ways to fire him.
- 53. On or about May 22, 1998, at a meeting with the department heads in Public Services, Director Greg Kisela alerted all managers that Jones was making inquiries into the examination process. Mr. Kisela told the group that they needed to "be able to say" they had selected the best candidate.

- 54. After Mr. Kisela spoke to the managers, Jones began to suffer acts of harassment and retaliation.
- 55. Jones would hear from white employees that he was "a grass-cutting nigger" and that is all he would ever be.
- 56. During one of the forced grievance hearings, Employment Manager Arlette Steinberger, was asked about the ranking in the Engineering Inspector's examination which showed Jones as having the top score. Ms. Steinberger bragged that she had "destroyed it and destroyed all of the back-up data" in the computer.
- 57. In June 1998, Jones met with Union president Cathy Dunn and Public Services Director Greg Kisela to purportedly discuss his discrimination complaint. At the meeting Mr. Kisela repeatedly threatened Jones with discipline if he did not disclose information about his after hours job. Jones denied any wrongdoing.
- 58. Jones repeatedly told Mr. Kisela that his actions were retaliation for his filing a discrimination complaint. Mr. Kisela told Jones that he "did not care."
- 59. Later that same day, Mr. Kisela filed disciplinary charges against Jones and attempted to have him fired. Jones was ordered into a disciplinary hearing the next day where he was accused of lying about having a second job. In that meeting, Jones again expressed to Mr. Kisela that this was clear retaliation as a result of his filing a civil rights claim. Mr. Kisela again stated "he did not care."
- 60. Jones produced documentation that proved that he had received prior approval from his supervisors to work at a second job. Jerry Hill, Jones' immediate supervisor, confirmed this during the meeting.

CLYNE & SELF, P.A.

- 61. Hill repeatedly told Mr. Kisela that he was clearly retaliating against Jones and that he should end it. Mr. Kisela repeated that "he did not care."
- 62. In June 1998, Jones retrieved a note from his work vehicle windshield which read, "ENGINIGGERING INSPECTOR". He lodged a complaint with Employee Relations Director Scott Milinski, his secretary Donna Klindt and Union president Cathy Dunn. Jones requested an internal investigation but Milinski refused to take the note and refused to investigate the matter.
- 63. Jones was directed by Greg Kisela to sign a "settlement offer" where in turn he would drop his discrimination claims against the City. Jones was ordered to sign the offer by the close of the business day on July 3, 1998 "or else."
- 64. In September of 1998, Jones was eventually promoted to the position of Engineering Inspector I, several months after the three white employees, with lower rankings were promoted to the position.
- 65. All three white employees, Ralph Watts, Charles Nobles, Mark Darmanian, were unilaterally promoted to Engineering Inspector II without undergoing an examination process on June 13, 1999.
- 66. The City was informed that Jones would file another complaint if he was not accorded similar treatment. Jones was subsequently promoted to Engineering Inspector II on October 13, 1999.
- 67. Harold Wise, a black employee, who did not indicate that he would file a complaint if he was not promoted to Engineering Inspector II was overlooked for promotion, and was not promoted until he filed an internal charge of discrimination and then filed charge of discrimination with the Florida Commission on Human Relations.

- 68. On February 3, 2002, an Engineering Supervisor position became available, Jones was not eligible for this position because he did not have the requisite experience as Engineering Inspector. Jones would have had the requisite experience if he had been appropriately promoted to Engineering Supervisor at an earlier date.
- 69. In early 1999, Jones was falsely accused of "spending too much time" in the City's Diversity Office where he filed his internal complaint. City managers began circulating rumors that Jones was sleeping with Yolanda Cowart and Wanda Del Toro, both staff members in that office, in order to garner their cooperation.
- 70. In May of 1999, 70 employees signed a petition requesting the City to address the discrimination problems and asserted that the City "used its disciplinary process to intimidate, discriminate, retaliate, and harass it's employees." The petition further accused the City of "creating and sustaining an intolerable workplace." See Petition attached hereto as Exhibit "A."
- 71. The City employees' petition was sent to the following senior management officials: Bruce Larkin, Administrative Services Director; John Panoch, Personnel Director; John Dargis, Assistant Employee Relations Director; and Scott Milinski, Employee Relations Director. A copy was subsequently provided to Mayor Naugle.
- 72. In the Summer of 1999, Pete Sheridan falsely accused Jones of distributing newsletters on work time and threatened disciplinary action.
- 73. In January 2000, the EEOC issued a Letter of Determination with findings that Jones was discriminated against because of his race and retaliated against because he complained about the discrimination. Thereafter, the retaliation against Jones increased. See EEOC Charge of

Discrimination attached hereto as Exhibit "B"; See EEOC Letter of Determination attached hereto as Exhibit "C."

- 74. Assistant City Manager Greg Kisela walked into an office where Jones was working with fellow employee, Dane Esdelle. Mr. Kisela told Mr. Esdelle that he hurt his career by working or being seen with Jones. Mr. Kisela stated "Jones was nothing but a trouble maker."
- 75. Since filing his EEOC Charge, his supervisor Pete Sheridan has given Jones two unwarranted counselings.
- 76. In September 2000, at the annual luncheon of the Public Services Diversity Action Committee, several committee members who attended the meeting threatened to resign after they heard City Manager, Floyd Johnson, repeatedly insult Jones.
- 77. A few weeks later, during or about the week of September 26, 2000, City Manager Floyd Johnson organized a series of meetings purportedly to discuss a new union contract that had been ratified. Meetings of this type have never been arranged before in the history of the City. During those meetings Mr. Johnson ridiculed Jones and other employees who had filed complaints of discrimination with the EEOC. Mr. Johnson threatened to "put his foot down."
- 78. In October 2000, City employees and the news media were informed that there would be a rally against Jones, Harold Wise and other employees who had filed civil rights complaints by employees who allegedly were loyal to the City. The rally was organized by management, and employees were threatened with discipline if they did not attend.
- 79. On or about January 11, 2001, Jones was at a city function, where Assistant City Manager Greg Kisela issued a death threat to him. Mr. Kisela stated "You know I have a burial plot waiting for you."

- 80. Jones was in fear of his life. He purchased a bullet proof vest and wore it for several months despite the 90 degree temperature and high humidity of South Florida.
- 81. The City has a zero tolerance policy for threats of violence. Despite this policy, no action was taken against Kisela for several months until the issue became public. The Broward County Sheriff's Office investigated and recommended discipline for Kisela. Kisela was eventually given a written reprimand.
- 82. Black employees who make threats are sent to psychiatric counseling and are disciplined severely.
- 83. Jones was subject to daily derogatory remarks about his race, African American, and his color, black.
- 84. Since 2001 to the current date, Jones' supervisor, Peter Sheridan, has refused to allow him to attend official, pre-approved union functions on City time like other City employees. When he is allowed to attend functions, his pay is fraudulently seized, his pension benefits are reduced, and his federal income taxes and social security benefits are negatively altered.
- 85. City managers falsify leave request in order to dock Jones salary, when he attends union functions.
- 86. The prior union steward, white, was not treated in this manner. She was allowed to attend Union meetings without her pay being docked.
- 87. Mr. Jones has continuously been denied opportunities to compete for various promotional positions. Among these were Utilities Mechanic, Environmental Inspector, Heavy Equipment Operator, Utilities Service Worker III, Utilities Service Worker IV, Code Compliance Officer and Engineering Inspector. This has rendered him ineligible for other promotional

opportunities that would have followed, and significantly reduced his income and retirement benefits.

88. After a two year investigation, the United States Department of Justice determined that Jones was in fact subject to discrimination and retaliation in violation of Title VII. A letter of determination was sent to the City on or about April 2002. See U.S. Department of Justice, Results of Investigation of Elgin O. Jones v. City of Fort Lauderdale, EEOC Charge No. 15A-98-0317, Attached hereto as Exhibit "D."

COUNT I

VIOLATION OF SECTION 1983 BY CITY

- 89. Jones adopts and realleges paragraphs1 through 85 above as if incorporated herein.
- 90. The City is a municipality and acted under the color of state law in violation of 42 U.S.C. § 1983.
- 91. The City intentionally deprived Jones of his rights secured by the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and by the federal laws of the United States, to be free of discrimination because of his race and color.
- 92. The City has a custom and policy of barring free speech on workplace issues in violation of the 1st Amendment of the United States Constitution, and Title VII.
- 93. The City's final policy-makers and senior managers knew or should have known that Jones and other minorities were being discriminated against in a systemic and continuous manner by the following:

- A. In 1996, Deborah Lamar, the City's Affirmative Action Officer/EEO Officer presented a report to senior management wherein she informed them that the City systematically was discriminating against women and minority employees;
- B. In 1996, Clifton McCree, a former black employee, shot 5 co-workers and himself and stated in his suicide note that he committed this atrocious act because of unfair and racist treatment;
- C. In July of 1999, Yolanda Cowart, City's Management Diversity Director sent a memorandum to City Manager Floyd Johnson and other senior managers regarding a pattern of retaliation against employees who filed internal or external complaints of discrimination;
- D. In 1999, 70 employees signed a petition complaining of discrimination in the workplace;
- E. Between 1999 and 2002, the United States Equal Employment Opportunity Commission issued probable cause of violations of Title VII by the City for the following black employees: Elgin Jones, Harold Wise, Timothy St. Fleur, John Patten, Ivett Spence-Brown and Wanda Del Toro. See Letters of Determination attached as Composite Exhibit "E";
- F. In February 2001, a jury found that the City had discriminated against Katrenia McCutchen, a former City employee, based on her gender and race, black. The Final Judgment in the case was for \$650,000;
- G. The City Commission has met on several occasions during closed door sessions and discussed the racial discrimination complaints and settlement of cases;
- H. The United States Civil Rights Commission received so many complaints of discrimination regarding the City that they held a public forum in August 2001. The forum was

attended by hundreds of citizens and employees, and was also attended by senior managers and City Commissioners;

- I. Employees and residents have organized 3 protests against the City's discriminatory treatment of employees, including two during City Commission meetings regarding the discriminatory workplace at the City;
- J. In April of 2002, the Department of Justice determined that Elgin Jones was subject to discrimination and retaliation in violation of Title VII;
- K. There have been numerous articles in the newspaper, television coverage, and radio coverage regarding the continuous problems of racial discrimination at the City of Ft. Lauderdale, which has been labeled the "racist City in South Florida."
- 94. The City Commission and the senior management are fully aware of the discrimination and have acquiesced and supported the continuation of actions that violate the United States Constitution, and federal and state laws prohibiting discrimination.
- 95. The City Commission and senior management have acquiesced and fostered discrimination at the City through the following actions:
 - A. Attempting to cover-up and hide acts of discrimination;
 - B. Punishing and squelching the speech of employees who complain of discrimination;
 - C. Failing to take prompt corrective action;
 - D. Destroying evidence of discrimination;
 - E. Failing to discipline employees who harass and discriminate in the workplace, particularly when the employee is a manager;

- F. Litigating against employees who file charges of discrimination even when the employee has a meritorious position in an attempt to wear down employees with limited resources;
- G. Retaliating against employees who file charges of discrimination;
- H. Attempting to injure the reputations of employees who file charges by slandering the employee's reputation;
- I. Meting out discipline unfairly;
- J. Failing to promote or transfer minority employees;
- K. Inadequately supervising management employees who discriminate, harass and retaliate against women and minority employees or anyone brave enough to oppose the discriminatory practices;
- L. Failing to train employees;
- M. Failing to implement strong policies that would help end violations of TitleVII;
- N. Failing to enforce the City's EEO policies;
- O. Fostering an environment where senior male managers sleep with subordinate females and then reward the female employees for their sexual favors;
- P. City Commission failed to fire City Manager for ineffective handling of the City's problems of discrimination;
- Q. City Commission failed to fire City Attorney for protecting managers who discriminated and for failing to report reasonable settlement offers.

- 96. Jones and similarly situated members of the protected class have suffered systemic and continuous discrimination by the City, which has a custom and practice of treating African Americans, Hispanics and women employees in a discriminatory manner by failing to hire minorities and women for certain positions, by terminating the career of promising minority employees, by failing to promote minority employees, by unfairly disciplining minority employees, by retaliating against employees who complain of acts of discrimination, by retaliating against employees who oppose discrimination, and by injuring the reputation of employees who complain or oppose unlawful acts of discrimination.
- 97. The City by and through the acts of its employees, intentionally and knowingly discriminated against Jones based on his race and color by failing to promote him, by giving him unwarranted counseling's, by attempting to discipline him, by demeaning him before his peers, by permitting his co-workers and supervisors to verbally harass him, by providing him inferior terms and conditions of employment, by denying him the privileges provided to white co-workers of similar rank, by retaliating against him, and by creating a hostile work environment.
- 98. The City intentionally discriminated against Jones based on his race, and color in violation of 42 U.S.C. §§ 1983 through its custom of permitting discriminatory acts against Elgin Jones and other minorities in violation of their rights under the 14th Amendment of the United States Constitution.
- 99. The City has violated 42 U.S.C. §1983 through its custom and policy of permitting employees to be subject to retaliation for opposing unlawful acts in violation of their rights under the 14th Amendment of the United States Constitution.
 - 100. The City through its custom and policy of discriminating against women and

minorities has: retaliated against employees who speak out about acts of discrimination; retaliated against employees who file charges of discrimination; acquiesced to discriminatory acts against its employees; given unwarranted discipline to employees; discriminated against women and minorities by failing to promote; and has injured the reputation of minorities and women who speak out about acts of discrimination in violation of the 14th Amendment, 5th Amendment and 1st Amendment of the United States Constitution.

101. As a direct and proximate result of the City's discriminatory acts or omissions, Jones has suffered a loss of income, loss of benefits, medical expenses, loss of reputation, embarrassment and humiliation, inconvenience, loss of enjoyment of life, emotional pain and suffering, and severe emotional distress and anguish.

102. Jones has retained counsel and has agreed to pay Clyne & Self, P.A. a reasonable fee and costs. Jones is entitled to reasonable fees and costs as the prevailing party pursuant to 42 U.S.C. § 1988, and prays that the Court will award same if such is the case.

WHEREFORE, Jones prays that this Court will:

One, issue a declaratory judgment that the discrimination against Jones was a violation of Jones' rights under Section 1983;

Two, enjoin the City, its supervisors and employees from continuing further discriminatory practices in violation of Section 1983 against Jones or any other minority employee;

Three, make Jones whole by awarding lost income including back pay, front pay, reinstatement to proper seniority and position and lost benefits;

Four, award compensatory damages for emotional distress, mental anguish, prejudgment interest:

Five, award reasonable attorney's fees and costs; and

Six, provide any other relief the court deems appropriate.

DEMAND FOR JURY TRIAL

Jones demands trial by jury as to all issues so triable.

Dated this 10th day of May, 2002.

Respectfully submitted,

CLYNE & SELF, P.A. Counsel for Plaintiff Douglas Centre, Suite 1100 2600 Douglas Road Coral Gables, FL 33134 Tel. (305) 446-3244 Fax. (305) 446-3538

d J. Clyne, E

L:\9111-101\Pldg\Complaint.wpd

PLAINTIFF'S EXHIBIT "A"

MAY 25, 1999

VIE.

MANAGING DIVERSITY OFFICE (CITY OF FORT LAUDERDALE)

ROY COMPLAINANTS. EMPLOYEES OF THE CITY OF FORT LAUDERDALE

UR ECT: INTIMIDATION, RETALIATION, DISCRIMINATION, DISPARATE TREATMENT, AND AN INTOLERABLE

WORKPLACE COMPLAINT

LEASE ACCEPT THE ATTACHED FORMS WITH SIGNATURES AS A FORMAL COMPLAINT AS DETAILED ON THE FORMS. WE ARE REQUESTING HAT THOSE MANAGERS NAMED AS THE RESPONSIBLE PARTIES NOT BE ALLOWED TO REVIEW THE NAMES OF THE CHARGING PARTIES. WE THAT MORE RETALIATION. WE ARE ALSO REQUESTING THAT THIS OFFICE PROCESS AND INVESTIGATE THESE CHARGES. IN ADDITION WE ARE REQUESTING AN INITIAL 'GROUP' MEETING WITH THE CITY MANAGER TO AIR OUR CONCERNS. WE ARE ALSO REQUESTING, OUT IF FEAR, THAT ALL NOTICES OF INTERVIEWS BE SENT FROM THE CITY MANAGER'S OFFICE AND NOT YOUR OFFICES. THIS IS BECAUSE MY NOTICES FROM YOUR OFFICES WILL SEND A SIGNAL TO OUR IMMEDIATE SUPERVISORS THAT WE HAVE EXERCISED OUR RIGHTS UNDER THE LAW.

WE HAVE BEEN CRYING OUT FOR RELEIF FOR QUITE SOMETIME NOW, HOWEVER, OUR CRIES HAVE BEEN MET WITH CASUAL DENIALS. WE FULLY UNDERSTAND THAT THE CITY HAS A RIGHT AND AN OBLIGATION TO POLICE IT'S WORKPLACE, BUT THERE SHOULD BE EQUITY AND CONSISTENCY IN THIS PROCESS. OURSELVES AND MANY OTHER EMPLOYEES WHO REMAIN STLENT OUT OF FEAR, ARE TIRED OF WORKING UNDER THREAT. WE ARE TURNING TO YOUR OFFICE TO INVESTIGATE THIS AND TO PROVIDE RELIEF AND REMEDY, WE TRUST YOUR OFFICE WILL DO A THOROUGH JOB.

EXHIBIT "A"

THE UNDERSIGNED, CHARGE THAT THE CITY OF FT. LAUDERDALE HAS USED IT'S ISCIPLINARY PROCESS TO INTIMIDATE, DISCRIMINATE, RETALIATES AND HARASS T'S EMPLOYEES. THE CITY HAS ALSO USED IT'S DISCIPLINARY PROCESS TO CREATE AND SUSTAIN AN INTOLERABLE WORKPLACE. WE ARE FILING THESE CHARGES WITH THE CITY'S MANAGING DIVERSITY OFFICE. IT IS OUR UNDERSTANDING THAT THE EQUAL EMPLOYMENT AND OPPORTUNITY COMMISSION HAS A "PAST PRACTICES TEAM" THAT HANDLE THESE TYPES OF CLAIMS. WE ARE REQUESTING A COMPLETE INVESTIGATION OF THESE WHILE THERE ARE NUMEROUS MANAGEMENT OFFICIALS THAT ARE RESPONSIBLE FOR THESE VIOLATIONS OF OUR RIGHTS UNDER FEDERAL STATE, AND LOCAL STATUTES. & ARE NAMING THE FOLLOWING AT THIS TIME: BRUCE LARKINS; ADMINISTRATIVE SERVICE JOHN PANOCH; PERSONNEL DIRECTOR, DIRECTOR. SCOTT MILINSKI: EMPLOYEE RELATIONS DIRECTOR ... JOHN PANOCH; ASST EMPLOYEE RELATIONS DIRECTOR. NUMEROUS OTHER MANAGERS THAT WILL BE NAMED AT A LATER DATE. PLEASE ACCEPT THIS FORM AS A FORMAL CHARGE OF DISCRIMINATION, RETALIATION, HARASSMENT, DESPARATE TREATMENT, AND AN INTOLERABLE WORKPLACE. THIS COMPLAINT COVERS. CURRENT AND FORMER EMPLOYEES.

i		•
PRINT NAME	SIGNATURE & DATE	DEPARTMENT
Bonnie Handsborough	Benk Hen 4-18-99	Parks & Rec.
DESERB RYAN	green 05 18.91	
Econe Montgomery	Juine Mentiques 5-18-99	fork a Rec
DUIGHT C. LEWIS	Dight (Loris 5.18.99	
Deborah E. Jackson	Deborat de gactions.	
CHARODERTFLEURIMA	· / /	PARK Rec
Sacy, Cary	5/8 my -5-18-99	PARK Rec
hil Hughe	Phil Hughes	PANK Rec
Dany 10ths	Specy late	Frek Rec
		,

JOHN DARGIS IS THE ASST EMPLOYEE RELATIONS DIRECTOR, NOT JOHN PANOCH

THE UNDERSIGNED, CHARGE THAT THE CITY OF FT. LAUDERDALE HAS USED IT'S SCIPLINARY PROCESS TO INTIMIDATE, DISCRIMINATE, RETALIATE, LAND FARASS THE CITY HAS ALSO USED IT'S DISCIPLINARY PROCESS TO CREATE S EMPLOYEES. SUSTAIN AN INTOLERABLE WORKPLACE. WE ARE FILING THESE CHARGES WITH THE TY'S MANAGING DIVERSITY OFFICE. IT IS OUR UNDERSTANDING THAT THE EQUAL APLOYMENT AND OPPORTUNITY COMMISSION HAS A "PAST PRACTICES TEAM" THAT HANDLE HEBE TYPES OF CLAIMS. WE ARE REQUESTING A COMPLETE INVESTIGATION OF THESE WHILE THERE ARE NUMEROUS MANAGEMENT OFFICIALS THAT ARE RESPONSIBLE OR THESE VIOLATIONS OF OUR RIGHTS UNDER FEDERAL, STATE, AND LOCAL STATUTES, W RE NAMING THE FOLLOWING AT THIS TIME: BRUCE LARKINS; ADMINISTRATIVE SERVICE JOHN PANOCH; PERSONNEL DIRECTOR, SCOTT MILINSKI: EMPLOYEE ELATIONS DIRECTOR, JOHN PANOCH; ASST EMPLOYEE RELATIONS DIRECTOR. IMEROUS OTHER MANAGERS THAT WILL BE NAMED AT A LATER DATE. PLEASE ACCEPT HIS FORM AS A FORMAL CHARGE OF DISCRIMINATION, RETALIATION, HARASSMENT, ESPARATE TREATMENT, AND AN INTOLERABLE WORKPLACE. THIS COMPLAINT COVERS JRRENT AND FORMER EMPLOYEES.

PRINT NAME	SIGNATURE & DATE	DEPARTMENT
Howard Lung	HOWARd Lac	Ar Public SERVICES
Herr Georgis	Strong's	PUBLIC SERVICE
WARCUSHOUSE	Marces Holos	Public Services
MASE HINTON	James Hinten	Puldr Serves
Idia Rossel	Eddie Rosado	Public Services
Ed SowyER	Ed Sawyer	Ribar Services
Ficher, Fab	Diefe	Public Gervices
Dening Duning	Daid Pe	0
ibert Katzmark	Allet 2/2	Public Services

VE. THE UNDERSIGNED, CHARGE THAT THE CITY OF FT. LAUDERDALE HAS USED IT'S ISCIPLINARY PROCESS TO INTIMIDATE, DISCRIMINATE, RETALIATE, CAND PARASS I'S EMPLOYEES. THE CITY HAS ALSO USED IT'S DISCIPLINARY PROCESS TO CREATE AND SUSTAIN AN INTOLERABLE WORKPLACE. WE ARE FILING THESE CHARGES WITH THE TITY'S MANAGING DIVERSITY OFFICE. IT IS OUR UNDERSTANDING THAT THE EQUAL EMPLOYMENT AND OPPORTUNITY COMMISSION HAS A "PAST PRACTICES TEAM" THAT HANDLE THESE TYPES OF CLAIMS. WE ARE REQUESTING A COMPLETE INVESTIGATION OF THESE WHILE THERE ARE NUMEROUS MANAGEMENT OFFICIALS THAT ARE RESPONSIBLE CHARGES. FOR THESE VIOLATIONS OF OUR RIGHTS UNDER FEDERAL, STATE, AND LOCAL STATUTES, W ARE NAMING THE FOLLOWING AT THIS TIME: BRUCE LARKINS; ADMINISTRATIVE SERVICE JOHN PANOCH: PERSONNEL DIRECTOR, SCOTT MILINSKI; EMPLOYEE RELATIONS DIRECTOR, JOHN PANOCH; ASST EMPLOYEE RELATIONS DIRECTOR, NUMEROUS OTHER MANAGERS THAT WILL BE NAMED AT A LATER DATE. PLEASE ACCEPT THIS FORM AS A FORMAL CHARGE OF DISCRIMINATION, RETALIATION, HARASSMENT. DISPARATE TREATMENT, AND AN INTOLERABLE WORKPLACE. THIS COMPLAINT COVERS CURRENT AND FORMER EMPLOYEES.

PRINT NAME	SIGNATURE & DATE	DEPARTMENT
Keith Hotel.son	. Illath	PBS.
Cartion Gents	Cartton Strate	_P85
Levin L. Aaron	Therin L. assan	<u>PBS</u>
ARMANGO KALE	Amand Kale	PBS
die M. Dy Frie	Sthe W. M& Duggie	PBS
then lauren	2 Ear Level	PBS
TOUTHARDERT K. BROWN	David Engram	PB5
malle 1. Sorous	Thatfard K. from	PBS.
Henry Mackey	Hany Hedes	PBS
		<i>*</i>

, THE UNDERSIGNED, CHARGE THAT THE CITY OF FT. LAUDERDALE HAG USED IT'S DISCIPLINARY PROCESS TO INTIMIDATE, DISCRIMINATE, RETALIATE, AND HERASS T'S EMPLOYEES. THE CITY HAS ALSO USED IT'S DISCIPLINARY PROCESS TO CREATE AND SUSTAIN AN INTOLERABLE WORKPLACE. WE ARE FILING THESE CHARGES WITH THE CITY'S MANAGING DIVERSITY OFFICE. IT IS OUR UNDERSTANDING THAT THE EQUAL ENPLOYMENT AND OPPORTUNITY COMMISSION HAS A "PAST PRACTICES TEAM" THAT HANDI WE ARE REQUESTING A COMPLETE INVESTIGATION OF THESI THESE TYPES OF CLAIMS. WHILE THERE ARE NUMEROUS MANAGEMENT OFFICIALS THAT ARE RESPONSIB! CHARGES. FOR THESE VIOLATIONS OF OUR RIGHTS UNDER FEDERAL, STATE, AND LOCAL STATUTES, ARE NAMING THE FOLLOWING AT THIS TIME: BRUCE LARKINS; ADMINISTRATIVE SERVICE DIRECTOR. JOHN PANOCH; PERSONNEL DIRECTOR, SCOTT MILINSKI; EMPLOYEE RELATIONS DIRECTOR. JOHN PANOCH; ASST EMPLOYEE RELATIONS DIRECTOR, NUMEROUS OTHER MANAGERS THAT WILL BE NAMED AT A LATER DATE. PLEASE ACCEPT TRIS FORM AS A FORMAL CHARGE OF DISCRIMINATION, RETALIATION, HARASSMENT, DISPARATE TREATMENT, AND AN INTOLERABLE WORKPLACE. THIS COMPLAINT COVERS CURRENT AND FORMER EMPLOYEES.

PRINT NAME	SIGNATURE & DATE 5-17-9	DEPARTMENT
DAMJ T. Cull	Darry T. Call	
Dobby Williams	odby Veller 5. 1.	lesse MEC
Travis Sanaster	Snairs Sangeter	Park/Rec
JUNDR TOLEMAN	7/1/1	i
RAMMERICE SATTA	Daniel Sett	ger/la
Ted Bell	Ted Bell	Util.
John E. Gambles	B. E. Joules	UTil
Tyrona Lewis	Typore Sellin	Parking
Allen Olighant	allen Oliphant	Parking
,	•)

WE. THE UNDERSIGNED, CHARGE THAT THE CITY OF FT. LAUDERDALE HAS WEED IT'S DISCIPLINARY PROCESS TO INTIMIDATE, DISCRIMINATE, RETALIATES AND HARASS T'S EMPLOYEES. THE CITY HAS ALSO USED IT'S DISCIPLINARY PROCESS TO CREATE AND SUSTAIN AN INTOLERABLE WORKPLACE. WE ARE FILING THESE CHARGES WITH THE IT IS OUR UNDERSTANDING THAT THE EQUAL CITY'S MANAGING DIVERSITY OFFICE. EMPLOYMENT AND OPPORTUNITY COMMISSION HAS A "PAST PRACTICES TEAM" THAT HAND THESE TYPES OF CLAIMS. WE ARE REQUESTING A COMPLETE INVESTIGATION OF THES WHILE THERE ARE NUMEROUS MANAGEMENT OFFICIALS THAT ARE RESPONSIB CHARGES. FOR THESE VIOLATIONS OF OUR RIGHTS UNDER FEDERAL, STATE, AND LOCAL STATUTES, ARE NAMING THE FOLLOWING AT THIS TIME: BRUCE LARKINS; ADMINISTRATIVE SERVI JOHN PANOCH: PERSONNEL DIRECTOR. SCOTT MILINSKI; EMPLOYEE DIRECTOR. RELATIONS DIRECTOR, JOHN PANOCH; ASST EMPLOYEE RELATIONS DIRECTOR, NUMEROUS OTHER MANAGERS THAT WILL BE NAMED AT A LATER DATE. PLEASE PLEASE ACCEPT THIS FORM AS A FORMAL CHARGE OF DISCRIMINATION, RETALIATION, HARASSMENT, DISPARATE TREATMENT, AND AN INTOLERABLE WORKPLACE. THIS COMPLAINT COVERS CURRENT AND FORMER EMPLOYEES.

PRINT NAME	SIGNATURE & DATE	DEPARTMENT
KERY JOHNSON	Jeny John \$18/99	PARCE & RESERVED
MARIO SORTO	01/18/99	PARK. E.R
Depision St. Low	MENISIER 5/19/	9 PARK & Ren
11 ~	Journaylen	
Visly Elioson	wish Elodor 51	
Genry Brown	Kenny Braun 5-	19-99 Pack
Keith Wilkerson	Keith Wilkerson	
Tony Clarksy	Joney Chik Sr.	Packt REC
Timothy ST. Fleur	Tinothy St. A.	
		• •

WE, THE UNDERSIGNED, CHARGE THAT THE CITY OF FT. LAUDERDALE HAS USED IT'S ISCIPLINARY PROCESS TO INTIMIDATE, DISCRIMINATE, RETALIATE, AND HARASS T'S EMPLOYEES. THE CITY HAS ALSO USED IT'S DISCIPLINARY PROCESS TO CREATE AND SUSTAIN AN INTOLERABLE WORKPLACE. WE ARE FILING THESE CHARGES WITH THE CITY'S MANAGING DIVERSITY OFFICE. IT IS OUR UNDERSTANDING THAT THE EQUAL EMPLOYMENT AND OPPORTUNITY COMMISSION HAS A "PAST PRACTICES TEAM" THAT HAND! THESE TYPES OF CLAIMS. WE ARE REQUESTING A COMPLETE INVESTIGATION OF THES! WHILE THERE ARE NUMEROUS MANAGEMENT OFFICIALS THAT ARE RESPONSIBI FOR THESE VIOLATIONS OF OUR RIGHTS UNDER FEDERAL, STATE, AND LOCAL STATUTES, ARE NAMING THE FOLLOWING AT THIS TIME: BRUCE LARKINS; ADMINISTRATIVE SERVI JOHN PANOCH; PERSONNEL DIRECTOR. SCOTT MILINSKI: EMPLOYEE RELATIONS DIRECTOR, JOHN PANOCH; ASST EMPLOYEE RELATIONS DIRECTOR, NUMEROUS OTHER MANAGERS THAT WILL BE NAMED AT A LATER DATE. PLEASE ACCEPT THIS FORM AS A FORMAL CHARGE OF DISCRIMINATION, RETALIATION, HARASSMENT, DISPARATE TREATMENT, AND AN INTOLERABLE WORKPLACE. THIS COMPLAINT COVERS CURRENT AND FORMER EMPLOYEES.

PRINT NAME	SIGNATURE & DATE	DEPARTMENT
LOWIS M. MEGSPE	4 Downa MMG	
Doutuler	low Columbia	Lib. WKS.
STEUT STRAND	strong a the	Engineering
Jarnie Lus	96/80	B82
Brian Kerrney	3-12	Park & Rec
enzy & Bruedhous	Hey W Bridlere	Part & Rec
CARL BACON	Garl Bacon	Park of Tax
Jernole, Prince	Jana Ji	PBS
Robert LMoorkers	Lett 2 Mursbyl	PBS

THE UNDERSIGNED, CHARGE THAT THE CITY OF FT. LAUDERDALE HAS USED IT'S SCIPLINARY PROCESS TO INTIMIDATE, DISCRIMINATE, RETALIATE, AND HARASS SEMPLOYEES. THE CITY HAS ALSO USED IT'S DISCIPLINARY PROCESS TO CREATE SUSTAIN AN INTOLERABLE WORKPLACE. WE ARE FILING THESE CHARGES WITH THE IT IS OUR UNDERSTANDING THAT THE EQUAL TY'S MANAGING DIVERSITY OFFICE. PLOYMENT AND OPPORTUNITY COMMISSION HAS A "PAST PRACTICES TEAM" THAT HANDLES WE ARE REQUESTING A COMPLETE INVESTIGATION OF THESE ESE TYPES OF CLAIMS. WHILE THERE ARE NUMEROUS MANAGEMENT OFFICIALS THAT ARE RESPONSIBLE ARGES. R THESE VIOLATIONS OF OUR RIGHTS UNDER FEDERAL, STATE, AND LOCAL STATUTES, WE E NAMING THE FOLLOWING AT THIS TIME: BRUCE LARKINS; ADMINISTRATIVE SERVICES JOHN PANOCH; PERSONNEL DIRECTOR, SCOTT MILINSKI: EMPLOYEE RECTOR. LATIONS DIRECTOR, JOHN PANOCH; ASST EMPLOYEE RELATIONS DIRECTOR. MEROUS OTHER MANAGERS THAT WILL BE NAMED AT A LATER DATE. PLEAS PLEASE ACCEPT IS FORM AS A FORMAL CHARGE OF DISCRIMINATION, RETALIATION, HARASSMENT, SPARATE TREATMENT, AND AN INTOLERABLE WORKPLACE. THIS COMPLAINT COVERS RRENT AND FORMER EMPLOYEES.

PRINT NAME	SIGNATURE & DATE	DEPARTMENT
LARZ SerVEN	L. Holmen	Reblic Service Cal
EMEZ SerivEN	Inen Scinos	Public ServicE
hatron Davis	anothon Dur	Public Service
	D. Bowers	Public For vice
Take Patter	John Patter 5/22/99	Public service
Andrew J. Price	e Hudsel J. Paris	Parkitt Reco
HEJANDAD POROM	522.89	
Same Krings	Wayne Gaines 5-22	9 Public Services
enveth Smith	Kenneth Smith 5-24-99	

^{*} JOHN DARGIS IS THE ASST EMPLOYEE RELATIONS DIRECTOR, NOT JOHN PANOCH

76

THE UNDERSIGNED, CHARGE THAT THE CITY OF FT. LAUDERDALE HAS "USED IT'S ISCIPLINARY PROCESS TO INTIMIDATE, DISCRIMINATE, RETALIATE, AND HARASS 'S EMPLOYEES. THE CITY HAS ALSO USED IT'S DISCIPLINARY PROCESS TO CREATE IND SUSTAIN AN INTOLERABLE WORKPLACE. WE ARE FILING THESE CHARGES WITH THE IT IS OUR UNDERSTANDING THAT THE EQUAL ITY'S MANAGING DIVERSITY OFFICE. EMPLOYMENT AND OPPORTUNITY COMMISSION HAS A "PAST PRACTICES TEAM" THAT HANDLE WE ARE REQUESTING A COMPLETE INVESTIGATION OF THESE THESE TYPES OF CLAIMS. WHILE THERE ARE NUMEROUS MANAGEMENT OFFICIALS THAT ARE RESPONSIBLE CHARGES. FOR THESE VIOLATIONS OF OUR RIGHTS UNDER FEDERAL, STATE, AND LOCAL STATUTES, W ARE NAMING THE FOLLOWING AT THIS TIME: BRUCE LARKINS; ADMINISTRATIVE SERVICE JOHN PANOCH; PERSONNEL DIRECTOR. SCOTT MILINSKI; EMPLOYEE JOHN PANOCH; ASST EMPLOYEE RELATIONS DIRECTOR. RELATIONS DIRECTOR. NUMEROUS OTHER MANAGERS THAT WILL BE NAMED AT A LATER DATE. PLEASE ACCEPT THIS FORM AS A FORMAL CHARGE OF DISCRIMINATION, RETALIATION, HARASSMENT, DISPARATE TREATMENT. AND AN INTOLERABLE WORKPLACE. THIS COMPLAINT COVERS CURRENT AND FORMER EMPLOYEES.

PRINT NAME	SIGNATURE & DATE	DEPARTMENT
Julian Dickey	Wille Duly	MHR Shop
Inles D. CRUSS.	anche D. Cure	MTR. SHIP
Pells R Bue	BILL B	Meter Shop
PANENCE RITIGOGO	Clares Rulledy	meta Shap
Tracthy Sims	Lindy Sin -5-7599	Meter Shop
Roberelt Rute	Possell Type	- Milu shap
	· · · · · · · · · · · · · · · · · · ·	
		-

, THE UNDERSIGNED, CHARGE THAT THE CITY OF FT. LAUDERDALE HAS USED ET'S TSCIPLINARY PROCESS TO INTIMIDATE, DISCRIMINATE, RETALIATE, AND HARASE THE CITY HAS ALSO USED IT'S DISCIPLINARY PROCESS TO CREATE T'S EMPLOYEES. AND SUSTAIN AN INTOLERABLE WORKPLACE. WE ARE FILING THESE CHARGES WITH THE CITY'S MANAGING DIVERSITY OFFICE. IT IS OUR UNDERSTANDING THAT THE EQUAL EMPLOYMENT AND OPPORTUNITY COMMISSION HAS A "PAST PRACTICES TEAM" THAT HANDI WE ARE REQUESTING A COMPLETE INVESTIGATION OF THES! THESE TYPES OF CLAIMS. WHILE THERE ARE NUMEROUS MANAGEMENT OFFICIALS THAT ARE RESPONSIBI CHARGES. FOR THESE VIOLATIONS OF OUR RIGHTS UNDER FEDERAL, STATE, AND LOCAL STATUTES. ARE NAMING THE FOLLOWING AT THIS TIME: BRUCE LARKINS; ADMINISTRATIVE SERVIO JOHN PANOCH; PERSONNEL DIRECTOR, SCOTT MILINSKI; EMPLOYEE RELATIONS DIRECTOR. JOHN PANOCH; ASST EMPLOYEE RELATIONS DIRECTOR, PLEASE ACCEPT NOMEROUS OTHER MANAGERS THAT WILL BE NAMED AT A LATER DATE. THIS FORM AS A FORMAL CHARGE OF DISCRIMINATION, RETALIATION, HARASSMENT, THIS COMPLAINT COVERS DISPARATE TREATMENT, AND AN INTOLERABLE WORKPLACE. CURRENT AND FORMER EMPLOYEES.

PRINT NAME	SIGNATURE & DATE	DEPARTMENT
ELGIN JONES	ERG 5-18.99	POS-ENGINEERING
Clive LAZARUS.	5/18/99	PBS - Retired
namel Mackey	Comme Mackey 5/18/99	PBS-SANATOTION
,		

JOHN DARGIS IS THE ASST EMPLOYEE RELATIONS DIRECTOR, NOT JOHN PANOCH

THE UNDERSIGNED, CHARGE THAT THE CITY OF FT. LAUDERDALE HAS USED IT'S ISCIPLINARY PROCESS TO INTIMIDATE, DISCRIMINATE, RETALIATE, AND HARASS "'S EMPLOYEES. THE CITY HAS ALSO USED IT'S DISCIPLINARY PROCESS TO CREATE SUSTAIN AN INTOLERABLE WORKPLACE. WE ARE FILING THESE CHARGES WITH THE ITY'S MANAGING DIVERSITY OFFICE. IT IS OUR UNDERSTANDING THAT THE EQUAL APLOYMENT AND OPPORTUNITY COMMISSION HAS A "PAST PRACTICES TEAM" THAT HANDLE HEBE TYPES OF CLAIMS. WE ARE REQUESTING A COMPLETE INVESTIGATION OF THESE WHILE THERE ARE NUMEROUS MANAGEMENT OFFICIALS THAT ARE RESPONSIBLE HARGES. OR THESE VIOLATIONS OF OUR RIGHTS UNDER FEDERAL, STATE, AND LOCAL STATUTES, W RE NAMING THE FOLLOWING AT THIS TIME: BRUCE LARKINS; ADMINISTRATIVE SERVICE IRECTOR, JOHN PANOCH; PERSONNEL DIRECTOR. SCOTT MILINSKI; EMPLOYEE ELATIONS DIRECTOR. JOHN PANOCH; ASST EMPLOYEE RELATIONS DIRECTOR, UMEROUS OTHER MANAGERS THAT WILL BE NAMED AT A LATER DATE. PLEASE ACCEPT HIS FORM AS A FORMAL CHARGE OF DISCRIMINATION, RETALIATION, HARASSMENT. ISPARATE TREATMENT, AND AN INTOLERABLE WORKPLACE. THIS COMPLAINT COVERS URRENT AND FORMER EMPLOYEES.

PRINT NAME	SIGNATURE & DATE	DEPARTMENT
Johny Cain	Salan Naval	OBS
The state of the s	101111111111111111111111111111111111111	
cel Davis	010	265
		た。 - California - Californ
· valence		Hydron Adams of the Company of the C
		
		•
		_

JOHN DARGIS IS THE ASST EMPLOYEE RELATIONS DIRECTOR, NOT JOHN PANOCH

PLAINTIFF'S EXHIBIT "B"

Case 0:02-cv-60052-DLS Document 1 Enter	ed on FLSD Docket 0	5/13/200 AGENCY	2 Page	34 of 56	
CHARG' JF DISCRIMINA	ATION .	1		SE NUMBER	
This form is affected by the Privacy Act of 1974; See Privacompleting this form.	acy Act Statement before	FEPA EEOC		161-6-98 180317	
			1077	803//	
Broward County Human Rights Division and EEOC State or local Agency, if any					
NAME (Indicace Mr., Ms., Mrs.)		HOME TELI	EPHONE (In	clude Area Code)	
Mr. Elgin O. Jones		(95	4) 428	-5357	
STREET ADDRESS CITY, STATE				DATE OF BIRTH	
1031 S. W. 11 Court, Deerfield Beach NAMED IS THE EMPLOYER, LABOR ORGANIZATION,	FL 33441	ADDDENT	TCECUTE	09/16/62	
STATE OR LOCAL GOVERNMENT AGENCY WHO DISCR	IMINATED AGAINST M	E (If more	than one li	st below.)	
NAME	NUMBER OF EMPLOYEES, NE			nclude Area Code)	
City Of Fort Lauderdale STREET ADDRESS CITY, STATE	501+ Employees		(954)	761-5300	
200 N. Andrews Avenue, Fort Lauderda				011	
NAME	10, 11))02	TELEPHONE	NUMBER (In	clude Area Code)	
ATOSTY ADDOSOG					
STREET ADDRESS CITY, STATE			4 k	COUNTY	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)		DATE DIS	CRIMINATI	ON TOOK PLACE	
X RACE ☐ COLOR ☐ SEX ☐ RELIGION X RETALIATION ☐ AGE ☐ DISABILITY ☐ OT	MATIONAL ORIGIN		/98		
E PELACIATION PAGE DISABILITY DI	HER (Spec1 Ty)		/ JO Tinuing A		
THE PARTICULARS ARE (If additional space is needed, attach ex	(tra sheet(s)):	1	I I II O I II O		
1. On 3/01/98, I was denied a promot Enforcement Officer by the Respon					
was denied promotion to the Engin					
filing an EEO complaint I was sub			.		
I am Black.					
2. No reason was given by the Respon	dent.				
3. I believe that I was discriminate	d against in vic	olation	of		
Title VII of the Civil Rights Act of 1964, as amended,					
Section 704a, the Florida Civil Rights Act (Chapter 760)					
and Article II, Section 1(a)(1) o Human Rights Act.	f the Broward Co	ounty			
numan Rights Act.					
D.L. #5520-200-62-33	3h-a		< >	-	
I want this charge filed with both the EEOC and the State		with State	and Local	Requirements)	
local Agency, if any. I will advise the agencies if I change m	y Joyce	1000	rom	<u>ہن۔</u>	
address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.	I swear or affirm that I it is true to the best of			arge and that tion and belief.	
I declare under penalty of perjury that the foregoing is true	SIGNATURE OF COMPL				
and correct.	x80.61				
x elati	SUBSCRIBED AND S	OAN FIG. A	ELYGE DMB	RAWN DATE	
5/2/98	(Day, month, and year)	A CON	KPIRES APR	CC 640360 26, 2000	
Date / Complete Charging Party (Separate) EEOC FORM 5 (Nev. 08/92)	day 5/48 3	OF FLOT ATLA	NTIC SONDIN	HRU HG CO., INC.	
	"Z"				
	J				

PLAINTIFF'S EXHIBIT "C"



UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Miami District Office

1. 法海峡强。

One Biscayne Tower
Two South Biscayne Boulevard, Suite 2700
Miami, Florida 33131-1805
Phone: (305) 536-4491
TDD: (305) 536-5721

FAX: (305) 536-4011

EEOC Charge Number: 15A 98 0317

Mr. Elgin O. Jones 1031 Southwest 11 Court Deerfield Beach, Florida 33441

Charging Party

City of Fort Lauderdale, Florida c/o-Mr. John A. Walker, Esquire Muller, Mintz, Kornreich, Caldwell, Casey, Crosland & Bramnick, P.A. First Union Financial Center, Suite 3600 200 South Biscayne Boulevard Miami, Florida 33131-2338

Respondent

LETTER OF DETERMINATION

I issue the following determination based on the merits of this charge.

Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended (Title VII), and timeliness, deferral and all other requirements for coverage have been met.

Charging Party alleged that he was discriminated against in violation of Title VII in that he was denied promotion to Engineering Inspector I because of his race, Black, and retaliated against when he filed an internal complaint because of his non-selection.

Examination of the evidence of record demonstrates that Charging Party was discriminated against because of his race and retaliated against because he complained about the discrimination. I have determined that the evidence obtained during the investigation establishes that there is reasonable cause to believe that a violation of the statute has occurred.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The confidentiality provisions of Sections 706 and 709 of Title VII and the Commission Regulations apply to information obtained during the conciliation process.



Letter of Determination

Elgin O. Jones v. City of Fort Lauderdale, Florida

EEOC Charge Number: 15A 98 0317

Page Two

If Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

On Behalf of the Commission:

JAN 19 2000

Date

Federico Costales
District Director

Enclosure: Invitation to Conciliate

cc: Mr. Elgin O. Jones

c/o Mr. Reginald J. Clyne, Esquire

Simmons and Clyne, P.A.

Douglas Centre - Penthouse Two

2600 Douglas Road

Coral Gables, Florida 33134

PLAINTIFF'S EXHIBIT "D"



U.S. Department of Justice

Civil Rights Division

WBF:MM:CAB:CC:sj DJ 170-18-135

Employment Litigation Section P.O. Box 65968 Washington, DC 20035-5968 www.usdoj.gov/crt/emp/emphome.html

Via U.S. Mail

APR 8 2000

Ms. Barbara McCarthy
Assistant City Attorney
City of Fort Lauderdale
P.O. Drawer 14250
Fort Lauderdale, Florida 33302

Re:

Results of Investigation of Elgin O. Jones v.

City of Fort Lauderdale, EEOC Charge No. 15A-98-0317

Dear Ms. McCarthy:

This letter is to inform you of the results of our investigation of the above-referenced charge filed by Elgin O. Jones against the City of Fort Lauderdale, Florida ("the City"). Based on the information provided to us by the Equal Employment Opportunity Commission ("EEOC") and compiled by us since this matter's referral, we have determined that the City discriminated against Mr. Jones on the basis of his race by denying him promotion to the position of Engineering Inspector I in 1998. We also have determined that Mr. Jones was subjected to a hostile work environment as a result of his opposition to practices he reasonably believed were discriminatory and because he complained of discrimination. These actions violated Section 703(a) of Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), 42 U.S.C. § 2000e-2(a), and Section 704(a) of Title VII, 42 U.S.C. §2000e-3(a). These determinations are based, in part, on the following considerations:

- 1. In October 1997, Mr. Jones applied for the position of Engineering Inspector I. At that time, he met the City's minimum qualifications for the position. Three Engineering Inspector I positions were then available.
- 2. The City administered two competitive exams for the Engineering Inspector I position in 1997, one written and one oral. Before the exams were administered, the City determined that examinees would be ranked on an eligibility list based on their total scores, which combined the written and oral exam grades. The City would fill its Engineering Inspector I vacancies only from those ranked in the top five positions on the eligibility list.



- 3. The City administered the written test for Engineering Inspector I on November 24, 1997, and the exams were graded shortly thereafter. Mr. Jones received the highest score on the written exam.
- 4. The oral exam was administered on or about November 25, 1997. Members of the oral exam rating panel were permitted to review examinees' scores on the written test before determining how to rate examinees' answers on the oral exam. The City's Personnel Analyst conceded that the score of one white applicant "on the technical dimension [of the oral exam] came out higher than Elgin Jones', even though they pretty much got the same number of technical questions correct," and that one of the oral exam raters "may have been trying to increase [the white candidate's] chances for success." Memorandum from Sharon Leibowitz to Employment Manager Arlette Steinberger and Personnel Director John Panoch re: Response to Engineering Inspector I Charges (May 12, 1998) at 4, 5.
- Despite receiving the highest score on the written exam, Mr. Jones was ranked in last place on the City's list of candidates eligible for promotion ("eligibility list"). The City admits that Mr. Jones ranked last on the eligibility list because the written exam results were never included in examinees' total scores, contrary to the City's original scoring plan. The City selected two white males and a Latino male to fill its available Engineering Inspector I vacancies.
- 6. In early 1998, Mr. Jones filed a grievance with his union challenging the accuracy of the Engineering Inspector I promotional scores. On or about March 10, 1998, Mr. Jones also filed an internal complaint of racial discrimination with the City's Equal Employment Opportunity ("EEO") Office. After challenging his non-promotion, Mr. Jones suffered harassment from co-workers and supervisors in retaliation for alleging that the City's decision not to promote him was based on his race.
- After the Director of the City's EEO office raised questions about the Engineering Inspector I exam scoring process, the City's Employment Manager, Arlette Steinberger, rescored the Engineering Inspector I exam. In re-calculating the exam scores, Ms. Steinberger created various draft eligibility lists, which showed how the candidates' ranks changed depending on the use of various weights assigned to the test components (i.e., the written technical exam and the respective components of the oral exam). One of these draft lists showed Mr. Jones ranked in first place. The City admits that it later destroyed the physical and electronic files documenting these calculations, including the draft eligibility list showing Mr. Jones in first place.
- 8. In approximately May 1998, the City issued a new eligibility list, which weighted the written and oral exam components differently than under the City's original scoring plan. This new eligibility list showed Mr. Jones tied for second place. The City declined to promote Mr. Jones at that time.

2

. .

- 9. On or about May 22, 1998, Mr. Jones filed a charge of discrimination with the EEOC, Charge No. 15A-98-0317.
- 10. Six days later, on or about May 28, 1998, Assistant City Administrator Gregory Kisela opened an investigation of Mr. Jones' off duty employment, although Mr. Jones' supervisors had granted him permission to engage in such employment several months earlier.
- In or about June 1998, Mr. Jones found a note on his City vehicle stating "Enginiggering Inspector." Mr. Jones informed Employee Relations Director Scott Milinksi and the City's EEO Director of the note. Mr. Jones also reported to the EEO Office that, beginning soon after he challenged the Engineering Inspector I exam, in or about February 1998, his coworkers and supervisors began harassing him because he had complained of discrimination.

The evidence clearly establishes that the City discriminated against Mr. Jones by refusing to promote him based on his race. See McDonnell Douglas Corp v. Green, 411 U.S. 792, 802 (1973). The evidence also shows that the City retaliated against Mr. Jones by subjecting him to harassment because he opposed practices he reasonably believed were discriminatory and because he complained of discrimination. See Wideman v. Wal-Mart Stores, Inc., 141 F.3d-1453 (11th Cir. 1998).

Title VII of the Civil Rights Act of 1964, as amended, provides that when the Attorney General believes that a state or local government employer has discriminated in violation of the Act, he may apply to the appropriate court for an order that will ensure compliance with Title VII and remedy the effects of past discrimination. Accordingly, a lawsuit has been authorized for filing against the City to obtain such an order.

In order to avoid the burdens of contested litigation, we invite the City to enter into a consent decree incorporating the kind of corrective measures we believe are necessary to comply with federal law. The measures that we believe should be undertaken include the following:

- 1. The City should offer Mr. Jones appropriate make-whole remedial relief and compensatory damages, as provided for in Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.
- 2. The City should take appropriate measures to ensure that, in the future, its employees are not subjected to harassment because they have filed a complaint of discrimination. These measures include, but are not limited to, adoption of a clear, meaningful, and widely publicized written policy prohibiting retaliatory harassment against any City employee.
- 3. The City should take steps to ensure that its competitive exams cannot be manipulated for discriminatory purposes.

4. The City should take other appropriate non-discriminatory measures to overcome the effects of the discriminatory practices.

Within the next fourteen (14) days, Charlotte Burrows, the attorney to whom this matter is assigned, will contact you to determine whether the City wishes to enter into a consent decree embodying the elements of relief described above.

Where direct negotiations between the Department, through its assigned attorney or attorneys, and a respondent are unsuccessful or where the Department attorney believes alternative dispute resolution ("ADR") could be a useful supplement to direct negotiations, it is the standard practice of the Department to consider the use of ADR in appropriate cases. The Department of Justice is committed to the broader use of ADR to lead to the more effective, efficient, and cost-saving resolution of disputes involving the government. If at any time the City believes that entering into an ADR process may be appropriate and/or beneficial for purposes of negotiating the terms of a consent decree to be filed with the court, please feel free to raise this possibility with Ms. Burrows. Likewise, if the Department of Justice believes at any time that the ADR process may be appropriate and/or beneficial, the Departmental attorney will raise this prospect with the City.

If you have any questions about this matter, please feel free to contact Ms. Burrows at (202) 514-3862.

Sincerely,

Ralph F. Boyd, Jr.
Assistant Attorney General
Civil Rights Division

By:

William B. Fenton

Acting Chief, Employment Litigation Section Civil Rights Division

cc: Guy Lewis, Esq.,
U.S. Attorney for the Southern District of Florida

Veronica Harrell-James, Esq., Civil Rights Section Office of the U.S. Attorney for the Southern District of Florida

PLAINTIFF'S EXHIBIT "E"



UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Miami District Office

والإنجاء والمتعارض

One Biscayne Tower
Two South Biscayne Boulevard, Suite 2700
Miami, Florida 33131-1805
Phone: (305) 536-4491
TDD: (305) 536-5721
FAX: (305) 536-4011

EEOC Charge Number: 15A 98 0317

Mr. Elgin O. Jones 1031 Southwest 11 Court Deerfield Beach, Florida 33441

Charging Party

City of Fort Lauderdale, Florida c/o Mr. John A. Walker, Esquire Muller, Mintz, Kornreich, Caldwell, Casey, Crosland & Bramnick, P.A. First Union Financial Center, Suite 3600 200 South Biscayne Boulevard Miami, Florida 33131-2338

Respondent

LETTER OF DETERMINATION

I issue the following determination based on the merits of this charge.

Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended (Title VII), and timeliness, deferral and all other requirements for coverage have been met.

Charging Party alleged that he was discriminated against in violation of Title VII in that he was denied promotion to Engineering Inspector I because of his race, Black, and retaliated against when he filed an internal complaint because of his non-selection.

Examination of the evidence of record demonstrates that Charging Party was discriminated against because of his race and retaliated against because he complained about the discrimination. I have determined that the evidence obtained during the investigation establishes that there is reasonable cause to believe that a violation of the statute has occurred.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The confidentiality provisions of Sections 706 and 709 of Title VII and the Commission Regulations apply to information obtained during the conciliation process.

EXHIBIT E

Letter of Determination

Blgin O. Jones v. City of Fort Lauderdale, Florida

EEOC Charge Number: 15A 98 0317

Page Two

If Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

On Behalf of the Commission:

JAN 19 2000

Date

Federico Costales

District Director

Enclosure: Invitation to Conciliate

cc: Mr. Elgin O. Jones

c/o Mr. Reginald J. Clyne, Esquire

Simmons and Clyne, P.A.

Douglas Centre - Penthouse Two

2600 Douglas Road

Coral Gables, Florida 33134



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Miami District Office

One Biscayne Tower
2 South Biscayne Blvd., Suite 2700
Miami, FL 33131
PH: (305) 536-4491
TDD: (305) 536-5721
FAX: (305) 536-4011

EEOC Charge No.: 15A 97 0420

Timothy St. Fleur 720 N.W. Second Avenue, #3 Ft. Lauderdale, FL 33311 Charging Party

City of Ft. Lauderdale 100 North Andrews Avenue Ft. Lauderdale, FL 33302

Respondent

LETTER OF DETERMINATION

I issue the following determination on the merits of this charge.

Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended, and timeliness, deferral, and all other requirements for coverage have been met.

Charging Party alleged that he was discriminated against because of his Race, Black, and his National Origin, Haitian, in violation of Title VII in that he was harassed with racially derogatory names and denied promotional opportunities.

Examination of the evidence indicates the Charging Party was subjected to a racially hostile environment and to adverse retaliatory actions because of his race, Black, and National Origin, Haitian.

Further, the evidence shows the Charging Party was denied a promotion because of his National Origin, Haitian, and Race, Black. Therefore, I have determined that the evidence obtained during the investigation establishes that there is reasonable cause to believe that a violation of the statute has occurred.



pg. 2

EEOC No. 15A 97 0420

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The confidentiality provisions of Sections 706 and 709 of Title VII and the Commission Regulations apply to information obtained during conciliation.

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

Behalf of the Commission:

03/24/00

Date

Federico Costales District Director

Enclosure: Invitation to Conciliate

cc: parties' attorneys/representatives

Gordon D. Rogers, Attorney Muller, Mintz Suite 3600 200 S. Biscayne Blvd. Miami, FL 333131-2338

Reginald J. Clyne Simmons & Clyne 2600 Douglas Road Coral Gables, FL 33134



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Miami District Office

One Biscayne Tower
2 South Biscayne Blvd, Suite 2700
Miami FL, 33131
(305) 536-4491
TTY (305) 536-5721

FAX (305) 536-4011

EEOC Charge No.: 15A 97 0423

John R. Patten 5666 Blueberry Ct. Lauderhill, FL 33313 Charging Party

City of Ft. Lauderdale 100 North Andrews Avenue Ft. Lauderdale, FL 33302 Respondent

LETTER OF DETERMINATION

I issue the following determination on the merits of this charge.

Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended, and timeliness, deferral, and all other requirements for coverage have been met.

Charging Party alleged that he was discriminated against because of his Race, Black, in violation of Title VII in that he was disciplined for tardiness, denied overtime, denied training and denied promotions.

Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes a violation of Title VII of the 1964 Civil Rights Act, as amended, in regard to discipline and denial of overtime.

However, examination of the evidence indicates the Charging Party was denied training at the Short School Seminar and, consequentially, promotional opportunities to the position of Operator I because of his race, Black.



pg. 2

EEOC No. 15A 97 0423

Therefore, I have determined that the evidence obtained during the investigation establishes that there is reasonable cause to believe that a violation of the statute has occurred.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The confidentiality provisions of Sections 706 and 709 of Title VII and the Commission Regulations apply to information obtained during conciliation.

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

03/24/00

Date

1 / De 2

the Commission:

Federic Stales District Director

Enclosure: Invitation to Conciliate

cc: parties' attorneys/representatives

Gordon D. Rogers, Attorney Muller, Mintz Suite 3600 200 S. Biscayne Blvd. Miami, FL 333131-2338

Reginald J. Clyne Simmons & Clyne 2600 Douglas Road Coral Gables, FL 33134



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Miami District Office

One Biscayne Tower
2 South Biscayne Blvd, Suite 2700
Miami FL, 33131
(305) 536-4491
TTY (305) 536-5721
FAX (305) 536-4011

EEOC Charge No.: 15A 97 0141

Ivett L. Spence 2920 N.W. Seventh Court Ft. Lauderdale, FL 33311

Charging Party

City of Ft. Lauderdale 100 North Andrews Avenue Ft. Lauderdale, FL 33302

Respondent

LETTER OF DETERMINATION

I issue the following determination on the merits of this charge.

Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended, and timeliness, deferral, and all other requirements for coverage have been met.

Charging Party alleged that she was discriminated against because of her Race, Black, her National Origin, Jamaican, and her Gender, female, in violation of Title VII in that she was harassed with disciplinary actions.

Examination of the evidence indicates the Charging Party was harassed with disciplinary actions because of her race, Black, her National Origin, Jamaican, and her gender, female.

Therefore, I have determined that the evidence obtained during the investigation establishes that there is reasonable cause to believe that a violation of the statute has occurred.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The confidentiality provisions of Sections 706 and 709 of Title VII and the Commission Regulations apply to information obtained during conciliation.



pg. 2

EEOC No. 15A 97 0141

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

On Behalf of the Commission

MAR 09 2000

Date

Federico Costales District Director

Enclosure: Invitation to Conciliate

cc: parties' attorneys/representatives

Gordon D. Rogers, Attorney Muller, Mintz Suite 3600 200 S. Biscayne Blvd. Miami, FL 333131-2338

Reginald J. Clyne Simmons & Clyne 2600 Douglas Road Coral Gables, FL 33134



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Tampa Area Office 501 Eas

501 East Polk Street, Room 1020 Tampa, FL 33602 (813) 228-2310 TTY (813) 228-2003 FAX (813) 228-284

EEOC Charge No: 150A10266

Wanda Del Toro vs. City of Fort Lauderdale, Florida

Ms. Wanda Del Toro c/o Reginald J. Clyne, Esquire Clyne & Self P. A. 2600 Douglas Road, Suite 1100 Coral Gables, Florida 33134

Charging Party

City of Fort Lauderdale, Florida c/o Ms. Dionne E,. Wong, Esquire Greengerb Traurig, P. A. 515 East Las Olas Boulevard Post Office Box 14036 Fort Lauderdale, Florida

Respondent

LETTER OF DETERMINATION

On behalf of the Commission I issue the following determination on the merits of this charge.

Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended, and timeliness, deferral and all other requirements for coverage have been met.

Charging Party alleged that she was discriminated against in violation of Title VII in that she was retaliated against by Respondent through intimidation and harassment because of her assertive approach in her capacity of diversity assistant to eliminate discrimination at Respondent's work places. Charging Party further claims that Respondent retaliated against her, in part, by denying her full time employment causing her to not have the fringe benefits afforded this employment status by Respondent. She asserts the absence of these benefits caused her to be constructively discharged.

Examination of the evidence in the file indicates that Charging Party has experienced retaliatory discrimination through intimidation and harassment as alleged and therefore establishes that there is reasonable cause to believe that a violation of the statute has occurred. There is no reasonable cause to believe Charging Party was discriminated against

Charge No. 150A10266

Page No. 2

by Respondent with respect to the other issues alleged.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. Please complete the enclosed "Invitation to Participate in Settlement Discussion" (EEOC Form 153) and return it to the Commission at the above address no late than 10 days from the date of this correspondence. Alternatively, you may transmit a copy of the completed form by facsimile to (813) 228-2841 to the attention of Katie B. Garnett, Investigator. Failure to reply by this date will indicate that you are not interested in conciliating this matter. The confidentiality provisions of Sections 706 and 709 of Title VII and the Commission Regulations apply to information obtained during conciliation.

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

You are reminded that Federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigations is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge.

On Behalf of the Commission:

Area Director

Enclosure: Invitation to Participate in Settlement Discussions (EEOC Form 153)



UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Miami District Office

One Bincayne Tower
Two South Bincayne Boulevard, Sano 2700
Minist, Plexida 33131-1805
Phone (180) 534-4401

TDD: (305) 536-5721 FAX: (305) 536-4011

EEOC Charge Number: 15A 98 0360

Mr. Harold Wise
441 East Evanston Circle
Fort Lauderdale, Florida 33312

Charging Party

City of Ft. Lauderdale, Florida c/o Mr. John A. Walker, Esquire Muller, Mintz, Kornreich, Caldwell, Casey, Crosland & Brannick, P.A. First Union Financial Center, Suite 3600 200 South Biscayne Boulevard Miami, Florida 33131-2338

Respondent

LETTER OF DETERMINATION

I issue the following determination based on the merits of this charge.

Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended (Title VII), and timeliness, deferral and all other requirements for coverage have been met.

Charging Party alleged that he was discriminated against in violation of Title VII in that he was denied promotion to Engineering Inspector I because of his race, Black.

Examination of the evidence of record demonstrates that the Charging Party was discriminated against because of his race. I have determined that the evidence obtained during the investigation establishes that there is reasonable cause to believe that a violation of the statute has occurred.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The confidentiality provisions of Sections 706 and 709 of Title VII and the Commission Regulations apply to information obtained during the conciliation process.

Letter of Determination

Harold Wise v. City of Fort Lauderdale, Florida

EEOC Charge Number: 15A 98 0360

Page Two

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

On Behalf of the Commission;

JAN 19 2000

Date

Federico Costales

District Director

Enclosure: Invitation to Conciliate

cc: Mr. Harold Wise

c/o Ms. Ann B. Bradshaw, Esquire

Executive Place, Suite 101 2455 Hollywood Boulevard Hollywood, Florida 33020

CIVIL COVER SHEET 02 - 60652

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filling and service of pleadings or other papers as required by law, except as provided by local rules of

court. This form, approved by the Ji	udicial Conference of the	United States in September 1974, is	s required for the use of the Clerk of	the Court for the purpose of in	itiating the civil docket sheet.
I (a) PLAINTIFFS: ELGIN O. JONES			municipality.	: CITY OF FOR	RT LAUDERDALE, a
(b) COUNTY OF RESIDENCE OF THE FIRST LISTED PLAINTIFF Broward (EXCEPT IN U.S. PLAINTIFF CASES)			COUNTY OF RESIDENCE OF (IN U.S. PLAINTIFF CAS	THE FIRST LISTED DEFENDS	
- GURRAN C	3-60P	30 (W) DP	CHYOL VEDEC		100
(C) ATTORNEYS (FIRM NAME, ADDRESS AND TELEPHONE NUMBER) REGINALD J. CLYNE, ESQUIRE CLYNE & SELF, P.A. 2600 DOUGLAS ROAD, SUITE 1100 CORAL GABLES, FLORIDA 33134 TEL: (305) 446-3244			ATTORNEYS (IF KNOWN	ETTAR JU	25.00
(d) CIRCLE COUNTY (DADE, MONRO	WHERE ACTION DE, BROWARD,	AROSE: PALM BEACH, MARTIN	i, ST. LUCIE, INDIAN RI	VER, OKEECHOBE	E, HIGHLANDS
II. BASIS OF JURISI				OF PRINCIPAL P	PARTIES (PLACE AN X IN ONE DONE BOX FOR DEFENDANT)
☐ 1 U.S. Government Plaintiff	☐ 3 Federal Question (U.S. Governme		Citizen of this State	of Business in	
☐ 2 U.S. Government Defendant	 4 Diversity (Indicate Citizen Parties in Item 		Citizen of Another State Citizen or Subject of a	of Business in	and Principal Place □ 5 □ 5 n another State n □ 6 □ 6
DO NOT CITE JURISDICTIONAL S	TATUTE UNLESS DIVER	SITY) Civil Rig	hts Act of 18		C. §1983
A CONTRACT	A TO		FORFEITURE/PENALTY	A BANKRUPTCY	A OTHER STATUTES
□ 110 Insurance □ 120 Marine □ 130 Miller Act □ 140 Negotiable Instrument □ 150 Recovery of Overpayment & Enforcement of Judgment □ 151 Medicare Act B □ 152 Recovery of Defaulted Student Loans (Excl. Veterans) B □ 153 Recovery of Overpayment Of Veteran's Benefits □ 160 Stockholders' Suits □ 190 Other Contract □ 195 Contract Product Liability A REAL PROPERTY □ 210 Land Condemnation B □ 220 Foreclosure □ 230 Rent Lease & Ejectment □ 240 Torts to Land □ 245 Tort Product Liability	Slander 330 Federal Employe Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle Product Liability 360 Other Personal Injury A CIVIL RIGHTS 441 Voting 442 Employment 443 Housing/ Accommodations 444 Welfare	PERSONAL PROPERTY 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage Product Liability B PRISONER PETITIONS 510 Motions to Vacate Sentence Habeas Corpus: 530 General 535 Death Penalty 550 Civil Rights A or B	□ 610 Agriculture □ 620 Other Food & Drug □ 625 Drug Related Seizure of □ Property 21 USC 881 □ 630 Liquor Laws □ 640 RR & Truck □ 650 Airline Regs □ 660 Occupational Safety/Health □ 690 Other A LABOR □ 710 Fair Labor Standards Act □ 720 Labor/Mgmt. Relations □ 730 Labor/Mgmt. Reporting & □ Disclosure Act □ 740 Railway Labor Act □ 790 Other Labor Litigation □ 791 Empl. Ret. Inc. Security Act	□ 422 Appeal 28 USC 158 □ 423 Withdrawal 28 USC 157 A PROPERTY RIGHTS □ 820 Copyrights □ 830 Patent □ 840 Trademark □ 861 HIA (1395ff) □ 862 Black Lung (923) □ 863 DIWC/DIWW (405(g)) □ 864 SSID Title XVI □ 865 RSI (405(g)) A FEDERAL TAX SUITS □ 870 Taxes (U.S. Plaintiff Or Defendant) □ 871 IRS - Third Party	 □ 894 Energy Allocation Act □ 895 Freedom of Information Act □ 900 Appeal of Fee Determination
VI. ORIGIN		(PLACE AN x IN ONE BOX ON	ILY)		Appeal to District
Proceeding Stat	oved from e Court	☐ 3 Remanded from Appellate Court	☐ 4 Refiled ☐ 5 Transfer another dis		Iultidistrict
VII. REQUESTED IN COMPLAINT:	CHECK IF THIS IS ☐ UNDER F.R.C.P.:		DEMAND \$		x YES only if demanded in complaint: DEMAND: □ YES □ NO
VIII. RELATED CASI	E(S)	SIGNATURE OF ATTORNEY OF	JUDGERECORD	DOCKET NUM	MBER
UNITED STATES DISTRICT COUR S/F I-2 Rev. 6/90 facsimile	Т	FOR OFFICE USE ONLY:	Receipt No. 10 To S	Mifp:	

05/10/02